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10.1002/anie.201907002

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

TRUSTEES OF THE BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 13 DEFINED CONTRIBUTION PENSION TRUST FOR SOUTHERN NEVADA; TRUSTEES OF THE BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 13 HEALTH BENEFITS FUND; TRUSTEES OF THE BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 13 VACATION FUND; BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 13 NEVADA; TRUSTEES OF THE BRICKLAYERS & TROWEL TRADES INTERNATIONAL PENSION FUND; TRUSTEES OF THE BRICKLAYERS & TROWEL TRADES INTERNATIONAL HEALTH FUND; and TRUSTEES OF THE INTERNATIONAL MASONRY INSTITUTE.

### **Plaintiffs,**

VS.

PEGASUS MARBLE, INC., a Nevada corporation; CYGNUS, LLC, a Nevada limited liability company; and GAGIK ZARGARYAN, an individual,

## Defendants.

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend the deadline for filing dispositive motions in this case. The parties request an extension of forty-five (45) days from its currently set date. In addition, the parties request the currently set pretrial order deadline be extended in accordance with the forty-five (45)

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1 day extension to the dispositive motion deadline. The parties do not request an extension of any other  
2 deadlines in this matter.

3 **I. THE REASONS WHY THE PARTIES REQUEST THE DEADLINE BE EXTENDED**

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5 The parties previously filed stipulations to extend discovery deadlines in this case that were  
6 granted by the Court. Those requests involved moving of the discovery cutoff and related dates. The  
7 parties do not request an extension of the discovery cutoff date or discovery dates. The only date the  
8 parties request to move now are the dispositive motion deadline and pretrial order deadline dates.

9 The parties request the current deadline of December 6, 2021 be extended by forty-five (45)  
10 days. The request is made to allow the parties to meaningfully meet and discuss settlement options to  
11 them. There are multiple parties involved on each side of this matter and the settlement discussion will  
12 required a nuanced and possible severed approach. The time needed to complete the settlement is to  
13 short compared to the current dispositive motion deadline.

14 Should the parties be unable to reach resolution of some or all of the claims and defenses in this  
15 matter in their discussions, they want to be sure that they will still have time in which to prepare  
16 dispositive motions for filing with the court. Given the complicated nature of the ERISA alter-ego  
17 claims in this action, additional time is needed to prepare dispositive motions.

18 The parties initially discussed their request being for an additional sixty (60) days but in the  
19 interest of moving along more quickly decided forty-five (45) days would be more appropriate. The  
20 parties did not believe that thirty (30) days would give sufficient time because of the upcoming holiday  
21 season.

22 **II. PROPOSED NEW SCHEDULE**

23 Based upon the above information, the parties propose the following revised discovery deadlines  
24 in this matter:

25       ///

26       ///

1  
**Dispositive Motions**

2       The parties propose the deadline for filing dispositive motions in this case be January 20, 2022.  
3 This date is forty-five (45) days following the currently set dispositive motion deadline of December 6,  
4 2021.

5       **Joint Pretrial Order**

6       The current Joint Pretrial Order deadline in this case is January 5, 2022. The parties propose a  
7 new Joint Pretrial Order deadline of February 21, 2022. This is the date that is thirty (47) days after the  
8 currently scheduled joint pretrial order date and it is thirty-two (32) days from the newly proposed  
9 dispositive motion deadline. The date falling thirty days after the new dispositive motion deadline is a  
10 Saturday. So, the parties have requested to move the date ahead to the next court day. In the event  
11 dispositive motions are pending before the Court on February 21, 2022 date, the date for filing the Joint  
12 Pretrial Order shall be suspended until thirty (30) days after the date of the Court's decision on the last  
13 dispositive motion.

14       The parties make this request to extend deadlines in good faith and not for the purposes of undue  
15 delay of these proceedings. The parties are requesting only the amount of additional time they deem  
16 necessary for this matter.

17       IT IS SO STIPULATED.

18       DATED this 13th day of November 2021

19       **LAW OFFICE OF DANIEL MARKS**

20       \_\_\_\_\_  
21       */s/ Adam Levine*

22       ADAM LEVINE, ESQ.  
23       Nevada State Bar No. 004673  
24       alevine@danielmarks.net  
25       610 South Ninth Street  
26       Las Vegas, Nevada 89101  
27       Attorneys for Defendants

28       **Order**

1       **IT IS SO ORDERED**

2       **DATED:** 3:43 pm, November 15, 2021

3         
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

1 DATED this 13th day of November 2021  
2

3 **NOVARA TESIJA CATENACCI MCDONALD & BAAS, PLLC**  
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5 /s/Nathan R. Ring, Esq.  
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**CERTIFICATE OF SERVICE**

I CERTIFY THAT on the 1st day of July, 2021, I filed the above and foregoing **STIPULATION TO EXTEND DISCOVERY DEADLINES [FOURTH REQUEST]** via the Court's CM/ECF Filing System, which will send notice to the following:

Adam Levine, Esq.  
Law Office of Daniel Marks  
610 S. 9th St.  
Las Vegas, NV 89101  
*Counsel for Defendants*

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An employee of NOVARA, TESIJA & CATENACCI